

Date: October 27, 2010

TO: Arthur Keenan

FROM: Margaret Degon

RE: Chapter 33 Comments

The following comments/recommendations are being submitted as requested prior to the meeting scheduled for November 9, 2010.

Section 1

1.2 Local Policy Required

Representation from parents and/or parent organizations should be included in the list of who should be involved in the development of local policies.

1.3 Documentation

The current language states, 'The program administrator or designee shall inform the parents or guardians of the use of timeout or therapeutic restraint as soon thereafter as practical.

Recommend that on the day of the incident, the parent is contacted/notified of the incident and that a written report be provided within 48 hours. If the notification is in writing, there should be a contact name and phone number as the parent/guardian is not likely to receive the notification until the end of the school day when personnel are not necessarily still on site and available.

Rationale: 'As soon as practical' is a very subjective phraseology and could be individually determined as days or weeks. Students who are restrained do not always have the verbal articulation skills or the communication skills to disclose the incident to that parent/guardian. Because any type of restraint is traumatic, there should be an obligation for full and complete disclosure within a very brief period of time following the incident. There should also be a requirement to include this information in the student's IEP.

Section 2

2.1 Timeout

The opening section states, 'Removal to a timeout room is a therapeutic intervention to bring the behavior of a student presenting a risk of injury or harm to self or others or significant property damage under control.' What scientifically based research or evidence based practice exists to validate that this is a therapeutic intervention?

Section 3

3.1 Limitations on the use of timeout room

If the student has an IEP, the IEP should determine 'a pattern of the use of timeout rooms...an individualized intervention plan' not local policy. The rights of the student identified under special education rules and/or protected under Section 504 need to be clearly separated from the local policy aspect of this section.

3.2 Time limitations of the use of timeout rooms

No student should continue to be in a timeout room for an hour, let alone for a continuation of time beyond one hour. This does not sound therapeutic as Section 2, 2.1 states. When a student is still 'presenting dangerous behaviors after this period' should require a different form of real intervention, not just a signed authorization to keep the student in the timeout room for a longer period of time.

Section 4

4.2 Time limits on the use of therapeutic restraint

See comments in 3.2 above.